

AN ACT concerning housing.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Affordable Housing Act is amended by changing Sections 3 and 10 and by adding Section 18 as follows:

(310 ILCS 65/3) (from Ch. 67 1/2, par. 1253)

Sec. 3. Definitions. As used in this Act:

(a) "Program" means the Illinois Affordable Housing Program.

(b) "Trust Fund" means the Illinois Affordable Housing Trust Fund.

(b-5) "Capital Fund" means the Illinois Affordable Housing Capital Fund.

(c) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is more than 50%, but less than 80%, of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(d) "Very low-income household" means a single person,

family or unrelated persons living together whose adjusted income is not more than 50% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(e) "Affordable housing" means residential housing that, so long as the same is occupied by low-income households or very low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than 30% of the maximum allowable income as stated for such households as defined in this Section.

(f) "Multi-family housing" means a building or buildings providing housing to 5 or more households.

(g) "Single-family housing" means a building containing one to 4 dwelling units, including a mobile home as defined in subsection (b) of Section 3 of the Mobile Home Landlord and Tenant Rights Act, as amended.

(h) "Community-based organization" means a not-for-profit entity whose governing body includes a majority of members who reside in the community served by the organization.

(i) "Advocacy organization" means a not-for-profit organization which conducts, in part or in whole, activities to influence public policy on behalf of low-income or very low-income households.

(j) "Program Administrator" means the Illinois Housing Development Authority.

(k) "Funding Agent" means the Illinois Department of Revenue.

(l) "Commission" means the Affordable Housing Advisory Commission.

(m) "Congregate housing" means a building or structure in which 2 or more households, inclusive, share common living areas and may share child care, cleaning, cooking and other household responsibilities.

(n) "Eligible applicant" means a proprietorship, partnership, for-profit corporation, not-for-profit corporation or unit of local government which seeks to use fund assets as provided in this Article.

(o) "Moderate income household" means a single person, family or unrelated persons living together whose adjusted income is more than 80% but less than 120% of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937.

(p) "Affordable Housing Program Trust Fund Bonds or Notes" means the bonds or notes issued by the Program Administrator under the Illinois Housing Development Act to further the purposes of this Act.

(q) "Trust Fund Moneys" means all moneys, deposits, revenues, income, interest, dividends, receipts, taxes, proceeds and other amounts or funds deposited or to be deposited in the Trust Fund pursuant to Section 5(b) of this Act and any proceeds, investments or increase thereof.

(r) "Program Escrow" means accounts, except those accounts relating to any Affordable Housing Program Trust Fund Bonds or Notes, designated by the Program Administrator, into which Trust Fund Moneys are deposited.

(s) "Common household pet" means a domesticated animal, such as a dog (canis lupus familiaris) or cat (felis catus), which is commonly kept in the home for pleasure rather than for commercial purposes.

(Source: P.A. 95-710, eff. 6-1-08.)

(310 ILCS 65/10) (from Ch. 67 1/2, par. 1260)

Sec. 10. Trust Fund restrictions and stipulations. (a) All housing financed and all assistance provided from the Trust Fund shall be available to all eligible persons regardless of race, color, ancestry, unfavorable military discharge, familial status, marital status, national origin, religion, creed, sex, age, or disability.

(b) There shall be, on all assisted housing, a deed restriction, agreement, or other legal document which provides for the recapture of assistance upon terms and conditions to be specified in rules and regulations promulgated by the

Program Administrator.

(c) Loans made by the Trust Fund may be at no interest or at below market interest rates, with or without security, and may include loans for predevelopment financing.

(d) Assistance may be provided for housing units for low and very low-income households within multi-family housing which is occupied partly by low and very low-income households and partly by households not qualifying as low or very low-income, subject to rules and regulations promulgated by the Program Administrator.

(e) Except to the extent provided in rules and regulations promulgated by the Program Administrator, no household shall be required to vacate or move from any assisted housing as a result of ceasing to qualify as a low or very low-income household under this Act.

(f) Rates not to exceed fair market rental may be charged to any person or household which occupies any single family housing or unit of multi-family housing for the period that person or household does not qualify as low or very low-income.

(g) All housing assisted by the Trust Fund shall provide a residential antidisplacement and relocation assistance plan consistent with Section 507 of the federal Housing and Community Development Act of 1987.

(h) Multi-family housing assisted by the Trust Fund shall be prohibited from refusing to accept tenants for occupancy

solely because the tenant receives governmental rental assistance.

(i) Trust Fund assisted multi-family housing is prohibited from evicting tenants without good cause.

(j) Assistance may be provided to housing whether or not such housing satisfies the definition of a "qualified residential rental project" set forth in Section 142 of the Internal Revenue Code of 1986, as amended.

(k) Housing assisted by the Trust Fund shall be required to meet energy efficiency standards which shall be established by the Program Administrator. Any review for affordability of assisted housing must include a review of energy costs.

(l) Manufactured housing which is manufactured entirely within the State shall be given priority over housing manufactured in whole or in part outside of the State.

(m) It is intended that Trust Fund monies not be used to supplant existing resources and that the Trust Fund shall be a funder of last resort.

(n) Prior to application of Trust Fund assets to provide assistance to affordable housing under this Act, Trust Fund assets may be invested in mortgage participation certificates representing undivided interests in specified, first-lien conventional residential Illinois mortgages which are underwritten, insured, guaranteed or purchased by the Federal Home Loan Mortgage Corporation. Trust Fund assets may also be used in such investments as may be lawful for fiduciaries in

this State or in such investments which shall reduce the risk associated with fluctuations in interest rates or market price of investments.

(o) A tenant of a multifamily rental housing unit that is 500 square feet or larger and has been acquired, constructed, or rehabilitated with any money from the Trust Fund after January 1, 2022 and that was designated for affordable housing for low and very low-income families shall be allowed to keep at least 2 cats or one dog that weighs under 50 pounds regardless of breed or height within the tenant's residence in accordance with any applicable State laws. This subsection does not apply to service animals or service animals in training or to any dog that has been deemed a dangerous or vicious dog as provided under the Animal Control Act. This subsection does not apply to supportive living facilities as described in Section 5-5.01a of the Illinois Public Aid Code or elderly housing. For purposes of this subsection, "elderly housing" means housing that is either: (i) intended for and solely occupied by persons age 62 or older; (ii) intended and operated for occupancy by at least one person age 55 years or older per unit, and at least 80% of the units within the elderly housing project are so occupied; or (iii) provided for under any State or federal program that the U.S. Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons (as defined in the State or federal program).

(Source: P.A. 89-286, eff. 8-10-95.)

(310 ILCS 65/18 new)

Sec. 18. Pets in affordable housing projects.

(a) The enforcement of policies relating to keeping a pet within a residence may include:

(1) compliance with noise and sanitation standards;

(2) registration of the common household pet with the owner of the residential housing;

(3) restraint of the common household pet in common areas of the residential housing;

(4) timely removal of common household pet excrement;

(5) vaccination and sterilization requirements; and

(6) enforcement of violations of the policy.

(b) A housing provider shall not be liable for injuries caused by an owner's common household pet permitted on the housing provider's property, except in cases of willful and wanton misconduct.

(c) Nothing in this Section shall be construed to limit or otherwise affect other statutes or laws that require reasonable accommodations to be made for an individual with a disability who maintains an animal to provide assistance, service, or support. Nothing in this Section shall be construed to apply to supportive living facilities as described in Section 5-5.01a of the Illinois Public Aid Code or elderly housing. For purposes of this subsection, "elderly

housing" means housing that is either: (i) intended for and solely occupied by persons age 62 or older; (ii) intended and operated for occupancy by at least one person age 55 years or older per unit, and at least 80% of the units within the elderly housing project are so occupied; or (iii) provided for under any State or federal program that the U.S. Department of Housing and Urban Development has determined is specifically designed and operated to assist elderly persons (as defined in the State or federal program).

Section 95. Applicability. The changes made by this Act apply to multifamily rental housing that is acquired, constructed, or rehabilitated after January 1, 2022 with money from the Illinois Affordable Housing Trust Fund.

Section 99. Effective date. This Act takes effect on January 1, 2022.